

Joshua Trigsted  
Oregon State Bar ID Number 06531  
Weisberg & Meyers, LLC  
100 SW Kerr Parkway, #29  
Lake Oswego, OR 97035  
503 376 6774, ext. # 216  
866 565 1327 facsimile  
jtrigsted@attorneysforconsumers.com  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**KELSEY TERRY,**

| Plaintiff,

vs.

**TRANSWORLD SYSTEMS, INC., dba  
CREDIT MANAGEMENT SERVICES,**

Defendant

Case No.:

**COMPLAINT;**

FAIR DEBT COLLECTION PRACTICES  
ACT (15 USC 1692) ; INTENTIONAL  
INFLECTION OF EMOTIONAL  
DISTRESS

DEMAND FOR JURY TRIAL

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**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the following provisions, resulting from abusive behavior against Plaintiff in the course of Defendant's attempt to collect a debt:

(1) The Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA")

(2) Intentional Infliction of Severe Emotional Distress

## **II. JURISDICTION**

2. The FDCPA claim arises under 15 U.S.C. § 1692k(d), and therefore involves a “federal question” pursuant to 28 USC § 1331. This court has supplemental jurisdiction over the Oregon State claim pursuant to 28 USC § 1367(a).

## **III. PARTIES**

3. Plaintiff, Kelsey Terry (“Plaintiff”), is a natural person residing in Lane County, Oregon.

4. Defendant, Transworld Systems, Inc., (“Defendant”) is a corporation engaged in the business of collecting debts by use of the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another.

## **IV. FACTUAL ALLEGATIONS**

5. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

6. Within the last 60 days, Defendant contacted Plaintiff by telephone in an attempt to collect an alleged outstanding debt. During that telephone conversation, Defendant performed the following acts, which amount to violations under various federal and state laws:

- a) Defendant threatened to throw Plaintiff in jail in connection with the alleged debt (Violated FDCPA: 15 USC §16292(e);
- b) Defendant failed to validate the debt at the time of initial contact and/or in writing within five days thereafter (Violated FDCPA: 15 USC §1692g(a)).

7. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

8. Defendant intended to cause, by means of the actions detailed in paragraph 7, injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

9. Defendant's action, detailed in paragraph 7, was undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.

10. Defendant's actions, detailed in paragraph 7, constituted an extraordinary transgression of the bounds of socially tolerable conduct

11. To the extent Defendant's actions, detailed in paragraph 7, were carried out by an employee of Defendant, that employee was acting within the scope of his or her employment.

#### **IV. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA
- B. Actual damages pursuant to 15 USC 1692k and the Common Law of Oregon;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k and punitive damages pursuant the Common Law of Oregon.

D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k and the Common Law of Oregon; and,

E. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Dated this 6th day of June 2007.

By: \_\_\_\_\_  
Joshua Trigsted  
Weisberg & Meyers, LLC  
100 SW Kerr Parkway, #29  
Lake Oswego, OR 97035  
503 376 6774, ext. #216  
866 565 1327 facsimile  
Attorney for Plaintiff